

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JOHN HARPER,**

Plaintiff,

v.

**AMUR EQUIPMENT FINANCE, INC.;**  
**and ARTISAN AND TRUCKERS**  
**CASUALTY COMPANY,**

Defendants.

Case No. 3:22-cv-01723-YY

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

John Harper, PO Box 55695, Portland, OR 97238. Pro Se.

Holly C. Hayman and Margot D. Seitz, Farleigh Wada Witt, PC, 121 SW Morrison St., Suite 600, Portland, OR 97204. Attorneys for Defendant Amur Equipment Finance, Inc.

Eric Jay Neal, Lether Law Group, 1848 Westlake Avenue N., Suite 100, Seattle, WA 98109. Attorney for Defendant Artisan and Truckers Casualty Company.

**IMMERGUT, District Judge.**

United States Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”) in this case on February 23, 2024. ECF 72. Judge You recommended granting Defendant Artisan and Truckers Casualty Company’s Motion for Summary Judgment, ECF 59, and Defendant Amur Equipment Finance, Inc’s Motion for

Summary Judgment, ECF 62. Plaintiff timely filed objections, ECF 74, and Defendants timely responded, ECF 75, 76. This Court has reviewed de novo the portions of the F&R to which Plaintiff objected. For the following reasons, this Court ADOPTS Judge You's F&R.

### **STANDARDS**

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

This Court has reviewed de novo the portions of Judge You's F&R to which Plaintiff objected. Judge You's F&R, ECF 72, is adopted in full. This Court GRANTS the Defendants' Motions for Summary Judgment, ECF 59, 62, and DISMISSES this case with prejudice.

**IT IS SO ORDERED.**

DATED this 5th day of April, 2024.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge